

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**DEVIN BENNETT**

**PLAINTIFF**

**v.**

**No. 4:20CV26-JMV**

**COMMISSIONER PELICIA HALL, ET AL.**

**DEFENDANTS**

**ORDER *GRANTING* PLAINTIFF'S MOTION [51] TO DISMISS,  
*DISMISSING* CASE PURSUANT TO STIPULATION OF DISMISSAL,  
*DISMISSING AS MOOT* PENDING MOTIONS [39], [45]**

This matter comes before the court on the motion [51] by the plaintiff to dismiss this case in accordance with an attached stipulation of dismissal, which the defendants have joined [52]. Under Fed. R. Civ. P. 41(a)(1)(A)(ii), “[T]he plaintiff may dismiss an action without a court order by filing ... a stipulation of dismissal signed by all parties who have appeared.” Indeed, “[a] stipulation of dismissal ... ordinarily – and automatically—strips the district court of subject-matter jurisdiction. This typically means that any action by the district court after the filing of [the] stipulation can have no force or effect.” *Nat’l City Golf Fin. v. Scott*, 899 F.3d 412, 415–16 (5<sup>th</sup> Cir. 2018) (cleaned up). Under Rule 41, “[u]nless the notice or stipulation states otherwise, the dismissal is without prejudice.” Fed. R. Civ. P. 41(a)(1)(B).

As the court may no longer exercise subject matter jurisdiction over this case, the plaintiff’s motion [51] to dismiss is **GRANTED**, and the instant case is **DISMISSED** without prejudice under Fed. R. Civ. P. 41(a)(1)(A)(ii). In light of this ruling, the defendants’ Motion [39] for Summary Judgment and the plaintiff’s Motion [45] to Stay Defendants’ Motion for Summary Judgment are **DISMISSED** as moot.

**SO ORDERED**, this, the 2nd day of September, 2021.

/s/ Jane M. Virden  
UNITED STATES MAGISTRATE JUDGE

